

1-1 By: Thompson, et al. (Senate Sponsor - Whitmire) H.B. No. 1451
1-2 (In the Senate - Received from the House April 28, 2011;
1-3 May 3, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 19, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1451 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the licensing and regulation of certain dog and cat
1-11 breeders; providing penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Title 4, Occupations Code, is
1-14 amended to read as follows:

1-15 TITLE 4. PROFESSIONS RELATED TO ANIMALS [~~ANIMAL HEALTH~~]

1-16 SECTION 2. Title 4, Occupations Code, is amended by adding
1-17 Chapter 802 to read as follows:

1-18 CHAPTER 802. DOG OR CAT BREEDERS

1-19 SUBCHAPTER A. GENERAL PROVISIONS

1-20 Sec. 802.001. SHORT TITLE. This chapter may be cited as the
1-21 Dog or Cat Breeders Act.

1-22 Sec. 802.002. DEFINITIONS. In this chapter:

1-23 (1) "Adult animal" means an animal six months of age or
1-24 older.

1-25 (2) "Animal" means a dog or a cat.

1-26 (3) "Cat" means a mammal that is wholly or partly of
1-27 the species *Felis domesticus*.

1-28 (4) "Commission" means the Texas Commission of
1-29 Licensing and Regulation under Chapter 51.

1-30 (5) "Controlling person" means an individual who:

1-31 (A) is a partner, manager, director, officer, or
1-32 member of a dog or cat breeder;

1-33 (B) possesses the authority to set policy or
1-34 direct management of a dog or cat breeder; or

1-35 (C) possesses a direct or indirect control of 25
1-36 percent or more of a dog or cat breeder.

1-37 (6) "Department" means the Texas Department of
1-38 Licensing and Regulation under Chapter 51.

1-39 (7) "Dog" means a mammal that is wholly or partly of
1-40 the species *Canis familiaris*.

1-41 (8) "Dog or cat breeder" means a person who possesses
1-42 11 or more adult intact female animals and is engaged in the
1-43 business of breeding those animals for direct or indirect sale or
1-44 for exchange in return for consideration.

1-45 (9) "Facility" means the premises used by a dog or cat
1-46 breeder for keeping or breeding animals. The term includes all
1-47 buildings, property, and confinement areas used to conduct the
1-48 breeding business.

1-49 (10) "Federal regulations" means the specifications
1-50 for the humane handling, care, treatment, and transportation of
1-51 dogs and cats set forth in 9 C.F.R. Part 3, Subpart A.

1-52 (11) "Intact female animal" means a female animal that
1-53 has not been spayed and is capable of reproduction.

1-54 (12) "Kitten" means a cat less than six months old.

1-55 (13) "Licensed breeder" means a dog or cat breeder who
1-56 holds a license issued under this chapter.

1-57 (14) "Possess" means to have custody of or control
1-58 over.

1-59 (15) "Primary enclosure" means any structure used to
1-60 restrict an animal to a limited amount of space. The term includes
1-61 a room, pen, run, cage, or compartment.

1-62 (16) "Puppy" means a dog less than six months old.

1-63 (17) "Third-party inspector" means any of the

2-1 following entities with which the department contracts under
2-2 Section 802.062, including an employee of the entity:

- 2-3 (A) a state agency; or
- 2-4 (B) a local law enforcement agency or fire
2-5 department.

2-6 (18) "Veterinarian" means a veterinarian in good
2-7 standing and licensed to practice veterinary medicine in this
2-8 state.

2-9 Sec. 802.003. APPLICABILITY OF CHAPTER. (a) This chapter
2-10 does not affect the applicability of any other law, rule, order,
2-11 ordinance, or other legal requirement of the federal government,
2-12 this state, or a political subdivision of this state.

2-13 (b) This chapter does not prevent a municipality or county
2-14 from prohibiting or further regulating by order or ordinance the
2-15 possession, breeding, or selling of dogs or cats.

2-16 (c) This chapter does not apply to an animal regulated under
2-17 the Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes).

2-18 Sec. 802.004. PRESUMPTION OF USE FOR BREEDING. For
2-19 purposes of this chapter, each adult intact female animal possessed
2-20 by a person engaged in the business of breeding animals for direct
2-21 or indirect sale or for exchange in return for consideration is
2-22 presumed to be used for breeding purposes unless the person
2-23 establishes to the satisfaction of the department, based on the
2-24 person's breeding records or other evidence reasonably acceptable
2-25 to the department, that the animal is not used for breeding.

2-26 Sec. 802.005. EXEMPTION FOR CERTAIN PERSONS WHO BREED DOGS.
2-27 (a) This section applies only to a dog bred to be used exclusively
2-28 for:

2-29 (1) herding livestock, as defined by Section 1.003,
2-30 Agriculture Code, or other agricultural uses;

2-31 (2) hunting, including pointing, flushing, or
2-32 retrieving game; or

2-33 (3) competing in field trials.

2-34 (b) This chapter does not apply to a person to the extent the
2-35 person breeds dogs described by Subsection (a) for:

2-36 (1) personal use; and

2-37 (2) incidental direct or indirect sale or exchange in
2-38 return for consideration.

2-39 (c) Notwithstanding Subsection (b), a person described by
2-40 Subsection (b) may be subject to the requirements of this chapter
2-41 based on the person's activities with respect to animals other than
2-42 dogs that are bred and used as described by this section.

2-43 [Sections 802.006-802.050 reserved for expansion]

2-44 SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION AND DEPARTMENT

2-45 Sec. 802.051. GENERAL POWERS AND DUTIES; RULES. (a) The
2-46 department shall administer and enforce this chapter.

2-47 (b) The commission shall adopt rules necessary to
2-48 administer and enforce this chapter.

2-49 Sec. 802.052. FEES. The commission by rule shall establish
2-50 reasonable and necessary fees in amounts sufficient to cover the
2-51 costs of administering and enforcing this chapter. In setting the
2-52 fee for inspecting or licensing a facility, the commission may
2-53 consider the number of adult intact female animals used for
2-54 breeding at the facility.

2-55 Sec. 802.053. PERSONNEL. The department may employ
2-56 personnel necessary to carry out the functions and duties of the
2-57 department under this chapter.

2-58 Sec. 802.054. EXPENSES. The department may authorize
2-59 disbursements necessary to implement this chapter, including
2-60 disbursements for office expenses, equipment costs, and other
2-61 necessary facilities.

2-62 Sec. 802.055. CRIMINAL BACKGROUND CHECKS. The department
2-63 shall conduct a criminal background check on each applicant who
2-64 submits an application for a license under this chapter and on any
2-65 controlling person of the applicant. The department may, as
2-66 permitted by law:

2-67 (1) examine any criminal conviction, guilty plea, or
2-68 deferred adjudication of the applicant or controlling person; and

2-69 (2) obtain any criminal history or record of the

3-1 applicant or controlling person.
 3-2 Sec. 802.056. DIRECTORY. (a) The department shall
 3-3 maintain a directory of licensed breeders and of third-party
 3-4 inspectors registered under this chapter.
 3-5 (b) The department shall make the directory available to the
 3-6 public.
 3-7 Sec. 802.057. DISCIPLINARY DATABASE. (a) The department
 3-8 shall maintain a database of dog or cat breeders who have been
 3-9 subject to disciplinary action as provided by Subchapter F.
 3-10 (b) The department shall make the information maintained in
 3-11 the database available to the public.
 3-12 Sec. 802.058. CONSUMER INTEREST INFORMATION. (a) The
 3-13 department shall prepare information of consumer interest
 3-14 describing:
 3-15 (1) the functions performed by the department under
 3-16 this chapter; and
 3-17 (2) the rights of a consumer affected by this chapter.
 3-18 (b) The information must describe the procedure by which a
 3-19 consumer complaint is filed with and resolved by the department.
 3-20 (c) The department shall make the information available to
 3-21 the public.
 3-22 Sec. 802.059. DOG OR CAT BREEDER TRAINING AND ENFORCEMENT
 3-23 ACCOUNT. (a) The dog or cat breeder training and enforcement
 3-24 account is an account in the general revenue fund. Administrative
 3-25 penalties collected under Subchapter F shall be deposited to the
 3-26 credit of the account.
 3-27 (b) Funds in the account may be appropriated only to the
 3-28 department for:
 3-29 (1) promoting consumer awareness of this chapter and
 3-30 rules adopted under this chapter;
 3-31 (2) supporting educational seminars, training
 3-32 activities, or other projects designed to benefit the department's
 3-33 ability to administer this chapter;
 3-34 (3) paying for information resulting in disciplinary
 3-35 action under Subchapter F against a person for acting as a dog or
 3-36 cat breeder without holding a license issued under this chapter;
 3-37 and
 3-38 (4) taking any other action to improve the
 3-39 department's ability to investigate violations of and enforce this
 3-40 chapter.
 3-41 (c) The commission by rule may provide for a system to pay
 3-42 for information described by Subsection (b)(3). Rules adopted
 3-43 under this subsection must ensure that a public purpose is
 3-44 accomplished through the use of the payment system.
 3-45 (d) The department may solicit and accept gifts, grants, and
 3-46 other donations from any source for deposit into the account.
 3-47 (e) The account is exempt from the application of Section
 3-48 403.095, Government Code.
 3-49 Sec. 802.060. REGULATION OF THIRD-PARTY INSPECTORS. The
 3-50 commission by rule shall establish:
 3-51 (1) training requirements for a third-party
 3-52 inspector;
 3-53 (2) registration procedures for a third-party
 3-54 inspector; and
 3-55 (3) policies governing the acts of a third-party
 3-56 inspector in conducting an inspection or investigation.
 3-57 Sec. 802.061. REGISTRATION OF CERTAIN EMPLOYEES OF LICENSED
 3-58 BREEDERS. The commission by rule may establish registration
 3-59 procedures for any person whose duties and responsibilities include
 3-60 the handling of or caring for an animal in a licensed breeder's
 3-61 facility.
 3-62 Sec. 802.062. CONTRACTS FOR ENFORCEMENT. The department
 3-63 may contract with a third-party inspector to enforce or assist in
 3-64 the enforcement of this chapter and rules adopted under this
 3-65 chapter, including the performance of inspections and
 3-66 investigations required under this chapter.
 3-67 Sec. 802.063. INSPECTIONS. (a) The department shall
 3-68 inspect each facility of a licensed breeder at least once in every
 3-69 18-month period and at other times as necessary to ensure

4-1 compliance with this chapter and rules adopted under this chapter.

4-2 (b) The inspection must be conducted during the facility's
4-3 normal business hours, and the licensed breeder or a representative
4-4 of the licensed breeder may be present during the inspection.

4-5 (c) The department or third-party inspector may not provide
4-6 advance notice to the licensed breeder or a representative of the
4-7 licensed breeder before arriving at the facility. The licensed
4-8 breeder or its representative shall, on request of an inspector,
4-9 assist the inspector in performing the inspection.

4-10 (d) In conducting an inspection under this section, an
4-11 inspector may not enter or access any portion of a private residence
4-12 of a licensed breeder except as necessary to access animals,
4-13 documents, records, or other property relevant to the inspection.

4-14 (e) The inspector shall submit an inspection report to the
4-15 department not later than the 10th day after the date of the
4-16 inspection on a form prescribed by the department and provide a copy
4-17 of the report to the licensed breeder or its representative.

4-18 Sec. 802.064. INVESTIGATIONS. On receipt of a complaint
4-19 alleging a violation of this chapter or a rule adopted under this
4-20 chapter, the department or a third-party inspector designated by
4-21 the department shall investigate the alleged violation.

4-22 Sec. 802.065. REPORTING ANIMAL CRUELTY. A person
4-23 conducting an inspection under Section 802.063 or 802.103 or an
4-24 investigation under Section 802.064 shall notify the appropriate
4-25 local law enforcement agency not later than 24 hours after
4-26 discovering evidence of animal cruelty or neglect during the
4-27 inspection or investigation.

4-28 Sec. 802.066. ADVISORY COMMITTEE. (a) The commission
4-29 shall establish an advisory committee to advise the commission and
4-30 make recommendations on matters related to the administration and
4-31 enforcement of this chapter, including licensing fees and standards
4-32 adopted under Subchapter E.

4-33 (b) The advisory committee consists of nine members
4-34 appointed by the presiding officer of the commission with the
4-35 approval of the commission as follows:

4-36 (1) two members who are licensed breeders;

4-37 (2) two members who are veterinarians;

4-38 (3) two members who represent animal welfare
4-39 organizations;

4-40 (4) two members who represent the public; and

4-41 (5) one member who is an animal control officer as
4-42 defined in Section 829.001, Health and Safety Code.

4-43 (c) Members of the advisory committee serve staggered
4-44 four-year terms. The terms of four or five members expire on
4-45 February 1 of each odd-numbered year. If a vacancy occurs during a
4-46 member's term, the presiding officer of the commission, with the
4-47 approval of the commission, shall appoint a replacement member to
4-48 serve for the remainder of the unexpired term.

4-49 (d) The presiding officer of the commission shall designate
4-50 one member of the advisory committee to serve as presiding officer
4-51 of the advisory committee for a two-year term. A member may serve
4-52 more than one term as presiding officer.

4-53 (e) The advisory committee shall meet annually and at the
4-54 call of the presiding officer of the advisory committee, the
4-55 presiding officer of the commission, or the executive director of
4-56 the department.

4-57 (f) Except for the members described by Subsection (b)(1), a
4-58 person may not be a member of the advisory committee if the person
4-59 or a member of the person's household:

4-60 (1) is required to be licensed under this chapter;

4-61 (2) is an officer, employee, or paid consultant of an
4-62 entity required to be licensed under this chapter;

4-63 (3) owns or controls, either directly or indirectly,
4-64 more than a 10 percent interest in an entity required to be licensed
4-65 under this chapter; or

4-66 (4) is required to register as a lobbyist under
4-67 Chapter 305, Government Code, because of the person's activities
4-68 for compensation on behalf of an entity required to be licensed
4-69 under this chapter.

5-1 (g) The presiding officer of the commission may remove from
5-2 the advisory committee a member who is ineligible for membership
5-3 under Subsection (f).

5-4 (h) A member may not receive compensation for service on the
5-5 advisory committee. Subject to the department's budget and any
5-6 limitation provided by the General Appropriations Act, a committee
5-7 member may receive reimbursement for the actual and necessary
5-8 expenses incurred while performing advisory committee duties.

5-9 (i) A decision of the advisory committee is effective only
5-10 on a majority vote of the members present.

5-11 (j) Chapter 2110, Government Code, does not apply to the
5-12 size, composition, or duration of the advisory committee or to the
5-13 appointment of the committee's presiding officer.

5-14 [Sections 802.067-802.100 reserved for expansion]

5-15 SUBCHAPTER C. LICENSING OF DOG OR CAT BREEDERS

5-16 Sec. 802.101. LICENSE REQUIRED. (a) A person may not act
5-17 as, offer to act as, or represent that the person is a dog or cat
5-18 breeder in this state unless the person holds a license under this
5-19 chapter for each facility that the person owns or operates in this
5-20 state. A license for a single facility may cover more than one
5-21 building on the same premises.

5-22 (b) The commission by rule may establish requirements for
5-23 issuance or renewal of a license issued to a dog or cat breeder
5-24 under this chapter.

5-25 Sec. 802.102. APPLICATION. An applicant for a license
5-26 under this chapter must:

5-27 (1) submit to the department a completed application
5-28 on a form prescribed by the department;

5-29 (2) submit to the department the information regarding
5-30 the applicant's facilities and operations requested by the
5-31 department;

5-32 (3) demonstrate that the applicant has satisfied the
5-33 requirements of this chapter and rules adopted under this chapter;
5-34 and

5-35 (4) pay to the department the required fee.

5-36 Sec. 802.103. PRELICENSE INSPECTION. (a) Except as
5-37 provided by Subsection (e), the department must inspect a facility
5-38 before a license is issued for the facility.

5-39 (b) The department may not issue a license to a dog or cat
5-40 breeder until the department receives a prelicense inspection
5-41 report from the inspector in a format approved by the department
5-42 certifying that the facility meets the requirements of this chapter
5-43 and rules adopted under this chapter.

5-44 (c) Before the prelicense inspection may be conducted, each
5-45 applicant must pay to the department the required inspection fee to
5-46 be used to pay third-party inspectors and the reasonable expenses
5-47 of the department related to its licensing and inspection duties
5-48 under this chapter.

5-49 (d) An applicant whose facility does not meet the
5-50 requirements of this chapter and rules adopted under this chapter
5-51 as revealed by a prelicense inspection may, after correcting
5-52 deficiencies noted in the inspection report, request another
5-53 prelicense inspection by paying the required fee to the department.

5-54 (e) The department may not require a prelicense inspection
5-55 of a facility for an applicant who:

5-56 (1) holds a current Class A animal dealers license
5-57 issued under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.);
5-58 and

5-59 (2) submits to the department:

5-60 (A) a copy of the license; and

5-61 (B) on a form prescribed by the department, a
5-62 statement certifying that the facility meets the requirements of
5-63 this chapter and rules adopted under this chapter.

5-64 Sec. 802.104. INITIAL LICENSE. The department shall issue
5-65 a license to each dog or cat breeder who:

5-66 (1) meets the requirements of this chapter and rules
5-67 adopted under this chapter;

5-68 (2) applies to the department on the form prescribed
5-69 by the department; and

6-1 (3) pays the required fee.

6-2 Sec. 802.105. TERM; NONTRANSFERABILITY. A license issued
 6-3 under this chapter is valid until the first anniversary of the date
 6-4 of issuance and is nontransferable. The department shall include
 6-5 the expiration date on each license issued under this chapter.

6-6 Sec. 802.106. LICENSE RENEWAL. (a) A licensed breeder may
 6-7 renew the person's license by:

6-8 (1) submitting a renewal application to the department
 6-9 on the form prescribed by the department;

6-10 (2) complying with any other renewal requirements
 6-11 adopted by the department; and

6-12 (3) paying the required fee.

6-13 (b) A person whose license has expired may not engage in
 6-14 activities that require a license until the license has been
 6-15 renewed.

6-16 (c) The department may not renew the license of a person if
 6-17 the person is in violation of this chapter or any rule adopted under
 6-18 this chapter at the time of renewal.

6-19 Sec. 802.107. LICENSE DENIAL, REVOCATION, AND SUSPENSION.

6-20 (a) The department shall deny issuance of a license to, or refuse
 6-21 to renew the license of, a person if the person or a controlling
 6-22 person of the dog or cat breeder has pled guilty to, been convicted
 6-23 of, or received deferred adjudication for animal cruelty or neglect
 6-24 in this state or any other jurisdiction in the five years preceding
 6-25 the person's initial or renewal application for a license.

6-26 (b) The department shall revoke a license if, after the
 6-27 license is issued, the person or a controlling person of the dog or
 6-28 cat breeder pleads guilty to, is convicted of, or receives deferred
 6-29 adjudication for animal cruelty or neglect in this state or any
 6-30 other jurisdiction.

6-31 (c) The department may deny issuance of a license to, refuse
 6-32 to renew the license of, or revoke or suspend a license held by a
 6-33 person who:

6-34 (1) fails to meet the requirements of this chapter and
 6-35 rules adopted under this chapter;

6-36 (2) has had a similar license issued by a federal,
 6-37 state, or local authority denied, revoked, or suspended;

6-38 (3) has falsified any material information requested
 6-39 by the department;

6-40 (4) has failed to meet a standard adopted by rule under
 6-41 this chapter; or

6-42 (5) has failed to comply with any corrective action
 6-43 required under an inspection report in the time provided by the
 6-44 report.

6-45 [Sections 802.108-802.150 reserved for expansion]

6-46 SUBCHAPTER D. PRACTICE BY LICENSED BREEDER

6-47 Sec. 802.151. DISPLAY OF LICENSE; APPLICABLE LAWS AND
 6-48 RULES; INCLUSION OF LICENSE NUMBER AND DEPARTMENT INFORMATION. A
 6-49 licensed breeder shall:

6-50 (1) prominently display a copy of the license at the
 6-51 breeder's facility;

6-52 (2) maintain at the breeder's facility a printed copy
 6-53 of this chapter and rules adopted under this chapter as made
 6-54 available by the department;

6-55 (3) include the license number in each advertisement
 6-56 of the licensed breeder; and

6-57 (4) include in each contract for the sale or transfer
 6-58 of an animal by the licensed breeder:

6-59 (A) the license number; and

6-60 (B) the following statement: "Dog and cat
 6-61 breeders are regulated by the Texas Department of Licensing and
 6-62 Regulation, P.O. Box 12157, Austin, Texas 78711, 1-800-803-9202,
 6-63 512-463-6599, www.license.state.tx.us" or a similar statement
 6-64 adopted by commission rule that includes the department's name,
 6-65 mailing address, telephone numbers, and Internet website address.

6-66 Sec. 802.152. CHANGE IN LICENSE INFORMATION. A licensed
 6-67 breeder shall notify the department in a manner prescribed by the
 6-68 department not later than the 10th day after the date any change
 6-69 occurs in the address, name, management, or controlling person of

7-1 the business or operation.
7-2 Sec. 802.153. ANNUAL INVENTORY. (a) Not later than
7-3 February 1 of each year, a licensed breeder shall submit to the
7-4 department, on a form prescribed by the department, an accounting
7-5 of all animals held at the facility at any time during the preceding
7-6 calendar year.
7-7 (b) The licensed breeder shall keep copies of the items
7-8 described by Subsection (a) at the licensed breeder's facility and
7-9 shall make them available on request to the department or a
7-10 third-party inspector designated by the department.
7-11 (c) A licensed breeder that has more than one facility
7-12 shall:
7-13 (1) keep separate records for each facility; and
7-14 (2) submit a separate accounting of animals for each
7-15 facility.
7-16 Sec. 802.154. ANIMAL RECORDS. (a) A licensed breeder shall
7-17 maintain a separate record for each animal in the breeder's
7-18 facility documenting the animal's care.
7-19 (b) The record must include:
7-20 (1) the date the animal entered the facility;
7-21 (2) if applicable, the name, address, and telephone
7-22 number of the person from whom the animal was purchased or obtained;
7-23 (3) a description of the animal, including the
7-24 animal's breed, sex, color, identifying marks, and weight;
7-25 (4) the date of birth of the animal or approximate age
7-26 if the date of birth is unknown;
7-27 (5) any tattoo, microchip, or other identification
7-28 number carried by or appearing on the animal;
7-29 (6) if the animal is a breeding female:
7-30 (A) breeding dates;
7-31 (B) dates the animal gave birth to a litter;
7-32 (C) number of puppies or kittens for each litter
7-33 of the animal; and
7-34 (D) the name and identification of the sire or
7-35 tom for each litter;
7-36 (7) all veterinary care provided for the animal,
7-37 including a record of all inoculations, medications, and other
7-38 veterinary medical treatment received by the animal while in the
7-39 possession of the licensed breeder; and
7-40 (8) for an animal that was at the facility but is no
7-41 longer at the facility:
7-42 (A) the date of disposition or death of the
7-43 animal; and
7-44 (B) as applicable:
7-45 (i) the name and address of the person to
7-46 whom the animal was transferred; or
7-47 (ii) the animal's cause of death.
7-48 (c) The licensed breeder shall make the animal records
7-49 available on request to the department or a third-party inspector
7-50 designated by the department.
7-51 (d) The commission by rule shall establish the retention
7-52 period for records required under this section.
7-53 [Sections 802.155-802.200 reserved for expansion]
7-54 SUBCHAPTER E. STANDARDS OF CARE AND CONFINEMENT
7-55 Sec. 802.201. ADOPTION OF STANDARDS. (a) The commission
7-56 shall adopt rules establishing minimum standards for the humane
7-57 handling, care, housing, and transportation of dogs and cats by a
7-58 dog or cat breeder to ensure the overall health, safety, and
7-59 well-being of each animal in the breeder's possession.
7-60 (b) The standards adopted under this section must:
7-61 (1) at a minimum, meet federal regulations;
7-62 (2) require that, unless otherwise certified by a
7-63 veterinarian in the manner prescribed by the department, a licensed
7-64 breeder, if applicable, provide each dog 12 weeks of age and older
7-65 with at least one hour of daily exercise in an area that:
7-66 (A) has a surface that has adequate drainage and
7-67 that will not adversely affect the dog's health or well-being, and
7-68 that may be composed of natural turf or soil;
7-69 (B) provides adequate protection against harsh

- 8-1 weather, including exposure to the sun; and
8-2 (C) has at least three times more square feet
8-3 than the dog's primary enclosure;
8-4 (3) require that an adequate period consistent with
8-5 breed standards elapse between the breeding cycles of each adult
8-6 intact female animal;
8-7 (4) require that a dog or cat breeder provide basic
8-8 grooming to each animal, including bathing and nail trimming, as
8-9 needed to prevent any condition that adversely affects the animal's
8-10 health and cleanliness;
8-11 (5) require that all primary enclosures:
8-12 (A) be composed of materials that are safe for
8-13 the animal based on the animal's breed, size, and age;
8-14 (B) have adequate space to allow the animal to
8-15 comfortably stand, sit, turn around, and lie down in a natural
8-16 position;
8-17 (C) have adequate drainage; and
8-18 (D) if any portion of the floor surface is
8-19 composed of wire or a slatted material, be free from any protruding,
8-20 sharp surfaces and be designed so the animal's paws are unable to
8-21 extend through, or become caught in, the floor;
8-22 (6) prohibit the placement of a primary enclosure of
8-23 an animal on top of the primary enclosure of another animal, unless
8-24 an impervious barrier designed to prevent the transfer of any
8-25 liquid or animal waste from one enclosure to the other is placed
8-26 between the enclosures;
8-27 (7) prohibit the stacking of the primary enclosures of
8-28 dogs above three vertical levels;
8-29 (8) require at least one regular veterinary
8-30 examination a year for a breeding animal;
8-31 (9) require that a dog or cat breeder maintain at each
8-32 of the breeder's facilities a written health care management
8-33 protocol that addresses routine and preventive care;
8-34 (10) ensure that necessary routine and preventive care
8-35 is provided to each animal and that each animal receives
8-36 appropriate care and treatment for any disease or illness that
8-37 affects the animal's health or well-being;
8-38 (11) prohibit a person from euthanizing an animal or
8-39 performing a surgical birth of an animal unless the person is a
8-40 veterinarian;
8-41 (12) require appropriate training for any person whose
8-42 duties and responsibilities include the handling of or caring for
8-43 an animal in a dog or cat breeder's facility; and
8-44 (13) prohibit a dog or cat breeder from selling,
8-45 trading, or giving away an animal before the animal is eight weeks
8-46 of age.

8-47 (c) The commission by rule may modify existing standards as
8-48 necessary to protect or improve the health and well-being of
8-49 animals or to protect the health and safety of the public.

8-50 [Sections 802.202-802.250 reserved for expansion]

8-51 SUBCHAPTER F. ENFORCEMENT

8-52 Sec. 802.251. DISCIPLINARY ACTION; ADMINISTRATIVE PENALTY.

8-53 If a person violates this chapter or a rule adopted under this
8-54 chapter, the person is subject to any action or penalty under
8-55 Subchapter F or G, Chapter 51.

8-56 SECTION 3. Not later than January 1, 2012, the presiding
8-57 officer of the Texas Commission of Licensing and Regulation shall
8-58 appoint the members of the advisory committee established under
8-59 Section 802.066, Occupations Code, as added by this Act.

8-60 SECTION 4. Not later than March 31, 2012, the Texas
8-61 Commission of Licensing and Regulation shall adopt the rules,
8-62 standards, procedures, and fees necessary to implement Chapter 802,
8-63 Occupations Code, as added by this Act, and Section 5 of this Act.

8-64 SECTION 5. Notwithstanding Chapter 802, Occupations Code,
8-65 as added by this Act, a dog or cat breeder is not required to:

8-66 (1) hold a license under that chapter to act as a dog
8-67 or cat breeder before September 1, 2012; or

8-68 (2) comply with the standards adopted under Subchapter
8-69 E, Chapter 802, Occupations Code, as added by this Act, before

9-1 September 1, 2012.

9-2 SECTION 6. This Act takes effect immediately if it receives
9-3 a vote of two-thirds of all the members elected to each house, as
9-4 provided by Section 39, Article III, Texas Constitution. If this
9-5 Act does not receive the vote necessary for immediate effect, this
9-6 Act takes effect September 1, 2011.

9-7

* * * * *